



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Pauga
A-Chemical Corporation
1322 N. Western Avenue
Chicago, Illinois 60622

Re: Emergency Action at A-Chemical Facility

Dear Mr. Pauga:

From January 26 to February 1, 1986, the U.S. Environmental Protection Agency (EPA) conducted an emergency removal action at the A-Chemical Corporation facility at 1322 N. Western Avenue, Chicago, Illinois. The need for action was based upon an EPA determination that efforts to combat a fire at the site on January 26, 1986 resulted in a release of significant amounts of chromic acid onto surrounding streets, and the placement of other hazardous substances in dangerously close proximity to one another on the site. The release of chromic acid and possibility of a release of other hazardous substances presented an imminent and substantial danger to the public health or welfare, and in the absence of your action as a responsible party to correct the situation, EPA's authority to respond according to Section 104 of the Comprehensive Environmental Response, Compensation, & Liability Act (CERCLA), 42 U.S.C §9604, was triggered.

This letter confirms your prompt communication to EPA of the existence of these threats on Sunday, January 26, and subsequent efforts to secure the site and prevent unauthorized entry by pedestrians. On January 29, 1986, EPA offered you the option of undertaking the response action in lieu of CERCLA-financed action. You verbally acknowledged at that time that you were unable to perform the remedy as described. In view of the need for an immediate response, the agency proceeded with CERCLA-financed remedial measures.

Under Section 107(a) of CERCLA, responsible parties, including owners and operators of the site, may be liable for response costs incurred by the government in taking corrective actions at a site. Such costs may include, but may not be limited to expenditures for investigation, planning, cleanup of the site, and enforcement. Based on records identifying you as

lessee of the property and operator of the A-Chemical facility, you have been identified as a responsible party. By this letter, therefore, EPA is notifying you of your potential liability with regard to the costs incurred by the agency in undertaking the emergency measures.

You should notify EPA, in writing within seven calendar days from the receipt of this letter, of your willingness to discuss a final resolution of this matter. EPA would like to encourage good faith negotiations between you and the Agency, and among you and other parties potentially responsible for the response costs incurred at the A-Chemical Corporation site. Other responsible parties at the site include the owner of the property, identified as Illinois Development Co., 6354 N. Broadway, Chicago, Illinois.

Your letter should indicate the appropriate name, address and phone number for any further contact with you, and include a statement of your intended action in this matter. The letter and any additional questions, including a request for a meeting, should be sent to:

Roger Grimes (5CS-16)
Office of Regional Counsel
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604
(312) 886-4247

The facts and legal discussions contained in this letter are intended solely for notification and edification purposes. They are not intended to, do not, and may not be relied upon as a final agency position on any matter set forth herein.

Due to the nature of the problem at this site and the attendant legal ramifications, the Agency strongly encourages you to submit a written response within the time frame specified. We hope that you will give this matter immediate attention.

Sincerely,

Basil G. Constantelos
Director
Waste Management Branch

cc: Robert Zapolis
Evergreen Park, IL